

County of Summit · The High Point of Ohio



Summit County Planning Commission (SCPC)

Thursday September 26, 2019 - 3:00 p.m.
County of Summit, County Council Chambers
175 South Main Street, 7th Floor, Akron, Ohio

Meeting Agenda

- | | | |
|----|--|-----------------------|
| A. | Call to Order | Chair Mavrides |
| B. | Roll Call | Smith |
| C. | Approval of the August 29, 2019 SCPC Minutes | Chair Mavrides |
| D. | Business Items | Knittel |

New Business

Item # 1 – Heritage Centre Allotment Replat – Copley Township – Proposed vacation of a portion of Heritage Center Drive, with the re-dedication of the cul-de-sac of Heritage Center Drive and the Creation of Sublot C-R1 from sublots C-R and D

Item # 2 – Chapter 130/450.02 Text Amendment - Northfield Center Township – Proposed text changes to Chapter 130 “Definitions” and to chapter 450 “Regulations for Wireless Telecommunications Facilities”

- | | | |
|----|----------------------------------|-----------------------|
| E. | Report from Assistant Director | Tubbs |
| F. | Comments from Public | Chair Mavrides |
| G. | Comments from Commission Members | Chair Mavrides |
| H. | Other | |
| | 1. Legal Update | Nott |
| I. | Adjournment | Chair Mavrides |

County of Summit
Ilene Shapiro, County Executive
Summit County Planning Commission
Thursday, August 29, 2019 - 3:00 p.m.
County of Summit, County Council Chambers
175 South Main Street, 7th Floor, Akron, Ohio

Minutes of August Meeting

Members Present: Jerry Feeman, Helen Humphrys, David Kline, Jason Segedy, Jeff Snell, and Dennis Stoiber, and Jeff Wilhite

Members Absent: George Beckham, Becky Corbett, Allen Mavrides, and Robert Terry

Staff: Dennis Tubbs, Stephen Knittel, Dave Nott, and Cazz Smith Jr.

Others: Joe Paradise – *SCE*

I. Call to Order

Dennis Stoiber called the meeting to order on **Thursday, August 29, 2019** at **3:00 pm** in the County of Summit Council Chambers, 175 South Main Street, 7th Floor, Akron Ohio 44308. A roll call was conducted by *Cazz Smith* the attending members constituted a quorum.

II. Approval of the July 25, 2019 Meeting Minutes

SCPC Member	Present	Motion	Second	Yea	Nay	Abstain
Beckham, George						
Corbett, Becky						
Feeman, Jerry	X			X		
Humphrys, Helen	X			X		
Kline, David	X		X	X		
Mavrides, Allen						
Segedy, Jason	X			X		
Snell, Jeff	X			X		
Stoiber, Dennis	X			X		
Terry, Robert						
Wilhite, Jeff	X	X		X		

Motion

Jeff Wilhite made a motion to approve the minutes of the **July 25, 2019** meeting, and it was seconded by *David Kline* the motion passed with no abstentions.

III. Business Items

A. New Business – (1) items

Item # 1 – Section 3 Residential Lights - Text Amendment – Sagamore Hills Township - Sagamore Hills Township Zoning Commission is proposing an amendment of Section 3 Residential District 3.11 Lighting to establish clarity about the use and direction of lighting on residential property.

Staff Recommendation: Staff recommends to the Summit County Planning Commission that the proposed text amendment be APPROVED.

SCPC Action: Review sample legislation from the Township of Bath and comments from SCPC.

Approval: **X**

Disapproval:

Action: **Approved**

SCPC Member	Present	Motion	Second	Yea	Nay	Abstain
Beckham, George						
Corbett, Becky						
Feeman, Jerry	X			X		
Humphrys, Helen	X			X		
Kline, David	X		X	X		
Mavrides, Allen						
Segedy, Jason	X			X		
Snell, Jeff	X					X
Stoiber, Dennis	X	X		X		
Terry, Robert						
Wilhite, Jeff	X			X		

- Dennis Stoiber stated the Township of Bath is being used as an example of how to manage this issue.
- Jason Segedy asked the definition of an open light bulb versus a closed light bulb.
- Dennis Tubbs stated he was not sure of the exact definition. He did state it determines the amount of lumens or visible light emitted by the light source.
- Jason Segedy stated it is possible to have stringed lights as long as it meets the lumen requirements.
- Jeff Snell spoke on behalf of the Township of Sagamore Hills. He explained the inspiration for this text amendment.
- Dennis Stoiber made a suggestion on the language of the text amendment.
- Jeff Snell agreed some exceptions should be permitted.

Motion

A motion was made by *Dennis Stoiber* to approve **Item # 1 – Section 3 Residential Lights - Text Amendment** with the condition to review the sample legislation from the Township of Bath and comments from SCPC, it was seconded by *David Kline* the motion passed with one abstention from *Jeff Snell*.

IV. Report from Assistant Director

No comments from Assistant Director.

V. Comments from Public

No comments from public.

VI. Comments from Planning Commission Members

No comments from SCPC.

VII. Other

Joe Paradise from SCE stated it is difficult to distinguish the definition of holiday, as it pertains to the residential lights text amendment.

VIII. Next Meeting

The next Summit County Planning Commission meeting will be held on *Thursday, September 26, 2019*.

IX. Adjournment

Being no further business to come before the Planning Commission, *David Kline* made a motion to adjourn, and it was seconded by *Jason Segedy*. The motion passed unanimously. The meeting adjourned at 3:16pm.



Planning Commission

Replat No 3

Heritage Centre Allotment

Copley Township

EXECUTIVE SUMMARY

Located in Copley Townships at the intersection of Heritage Woods Dr. and Medina Rd. The applicant is proposing a vacation of a portion of Heritage Center Drive, with the re-dedication of the cul-de-sac of Heritage Center Drive and the Creation of Sublot C-R1 from sublots C-R and D 2 as well as easements within C-R1.

Staff recommends **CONDITIONAL APPROVAL**.

Item No.: 1	Area: 21.2701 Acres
Meeting: September 26, 2019	Council District: 5, David Hamilton
Applicant: Gary Biales	Processor: Stephen Knittel

Proposal: Located in Copley Township at the intersection of Heritage Woods Dr. and Medina Rd. The applicant is proposing a vacation of a portion of Heritage Center Drive, with the re-dedication of the cul-de-sac of Heritage Center Drive and the Creation of Sublot C-R1 from sublots C-R and D 2 as well as easements within C-R1.

Site Conditions: The lots being altered are currently vacant with no structures present, there are structures present in lots A-R and B-R. Summit County GIS does not show any riparian or wetland features on the site.

Township Zoning: This plan is within the PDD district of Copley.

Agency Comments: *Italicized text indicates quotations from submitted agency comments.*

Copley Township: No comments received by 09/19/2019.

SWCD: Stephanie Deibel, 09/19/2019: The plans are still under SWPPP otherwise no comments.

SCE: Andy Dunchuck, 09/20/2019: *Our office has reviewed the revised resubmittal for the above referenced replat and has the following comments:*

1. Lot A-R1 is the only lot that is not changed in some way by this plat. Except for Lot A-R1, remove all notes 'No Change to this Parcel With This Plat' from the replat.
2. The legend shows a symbol and verbiage stating 'Iron Pin or Pipe found as described'. On sheets 2 and 3, add monumentation descriptions to those symbols that need them.
3. On Sheet 2, where does the 10' Extinguished Utility Easement on the N.E. side of Heritage Center Drive end?

4. *On sheets 4 and 5, add missing bearings and distances to the east end portion of Heritage Center Drive.*
5. *On sheets 4 and 5, add 'Group One Broadcasting, Parcel 1700492' to the S.E. adjoiner information.*
6. *The vacated portions of Heritage Center Drive are not apportioned to the adjoining parcels. Nor is there documentation cited that the adjoining parcels have accepted this arrangement. Show apportion to adjoining lots by normal reversion rights.*
7. *The adjoining parcels that will receive the vacated portion of Heritage Center Drive are then dedicating land for the cul-de-sac, and therefore need to sign plat.*
8. *Parcel "B-R" may no longer have frontage along Heritage Center Drive. The property line and the right of way line for the cul-de-sac seem to meet at the property corner. A landlocked parcel cannot be created.*
9. *New easements seem to be added to Lot "B-R", a 50' Utility & Access easement and a portion of a sanitary sewer easement.*
10. *Construction plans and a construction agreement will be required for the proposed work and final plat approval will be dependent upon receipt and approval of construction plans.*
11. *Have the various property owners been notified?*
12. *A traffic impact study/traffic impact assessment will be required for this project.*
13. *Revised Drainage Maintenance Assessments will be required with this replat.*
14. *Due to the nature and number of comments provided our office is requesting a compliance submittal of the replat.*

Staff Comments: This site has come before the SCPC previously with other Replat requests which were granted. Staff has no issues with this proposed Replat.

Recommendation: It is Staff's recommendation that the Replat of Heritage Centre Allotment be **Conditionally Approved** with the conditions of the full filling the comments from the Summit County Engineer's Office.

HERITAGE CENTRE ALLOTMENT REPLAT

VACATION OF A PORTION OF HERITAGE CENTER DRIVE (60' WIDE) OF THE REPLAT HERITAGE CENTRE ALLOTMENT CAB. "J", SLIDES 614-611 AS RECORDED IN RECEPTION NUMBER 54474532 OF SUMMIT COUNTY RECORDS.

RE-DEDICATION OF THE CUL-DE-SAC PORTION OF HERITAGE CENTER DRIVE (60' WIDE) OF THE REPLAT HERITAGE CENTRE ALLOTMENT CAB. "J", SLIDES 614-611 AS RECORDED IN RECEPTION NUMBER 54474532 OF SUMMIT COUNTY RECORDS.

CREATING SUBLOT C-R1 FROM BOTH SUBLOT C-R AND D OF THE REPLAT HERITAGE CENTRE ALLOTMENT AS RECORDED IN RECEPTION NUMBER 56351923 OF SUMMIT COUNTY RECORDS.

SITUATED IN THE STATE OF OHIO, COUNTY OF SUMMIT, TOWNSHIP OF COPLEY AND KNOW AS BEING PART OF ORIGINAL LOT NO. 2, OF SAID TOWNSHIP, AND LOCATED IN T2N, R12W OF THE WESTERN RESERVE.

APPROVALS

WE, THE UNDERSIGNED OWNERS AND HOLDERS OF LIENS AND OTHER INTERESTS IN AND TO THE LANDS EMBRACED WITHIN THIS SUBDIVISION, DO HEREBY DEDICATE THIS PLAT TO BE OUR FREE ACT AND DEED, AND DO HEREBY DEDICATE TO PUBLIC USE, FOREVER, THE STREETS AND EASEMENTS, OPEN SPACES, THE EXTINGUISHING AND CREATION OF EASEMENTS AS SHOWN UPON THIS PLAT.

OWNERS
Independence Tower NS TIC LLC

WITNESSES

REPRESENTATIVE _____ PRINTED NAME _____
REPRESENTATIVE _____ PRINTED NAME _____

STATE OF _____
COUNTY OF _____

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY APPEARED THE REPRESENTATIVE, WHO ACKNOWLEDGED THE MAKING AND SIGNING OF THE FOREGOING INSTRUMENT TO BE HIS FREE ACT AND DEED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL AT OHIO, THIS ____ DAY OF ____ 20__

NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____

NOTES

- Existing 20' Interior Utility easements between Lot B-R & Lot C-R, and also Lot C-R & Lot D, one to be extinguished via this Re-Plat.
- Existing 25' Storm easement between Lot C-R & Lot D is to be extinguished via this Re-Plat.
- For setback requirements, see the current Copley Zoning Code for Planned Development District of record at time of Re-plat recording.
- The construction of any building, landscaping, fence, etc., that would interfere with any maintenance within a stormwater management/retention easement is prohibited.
- Double Maintenance Assessment: ALL FEE HOLDERS AND ALL RECEIVING TITLE TO THE FEE THROUGH THEM ARE SUBJECT TO PAYMENT OF DRAINAGE MAINTENANCE FEES ASSESSED OR TO BE ASSESSED TO THE COUNTY PURSUANT TO O.R.C. 6137 AND FOLLOWING.

CERTIFICATE OF SURVEYOR

This plat and the survey on which it is based, was prepared in accordance with and satisfy the requirements of the Surveying Code of Ohio, as contained in Chapter 4733-37 of the Ohio Administrative Code in effect at the time.

I hereby state: In the best of my professional knowledge, information and belief, all to be correct. Field work performed in December 2015.

Surveyor's Name _____
Registered Surveyor No. 8822-Ohio

Date August 21, 2019



BASIS OF BEARING

Distances shown hereon are given in feet and decimal parts thereof. The basis of bearings for this survey is Old North of the NAD83 (CON98), Ohio State Plane, North Zone (3401) as established by GPS observations and the bearings shown hereon are used to denote angles only.



LOCATION MAP
SCALE: 1"=500'



AREA SUMMARY

LOT A-R1	2,377 ACRES	(NO CHANGE TO THIS PARCEL WITH THIS PLAT)
LOT B-R2	7,6836 ACRES	(NO CHANGE TO THIS PARCEL WITH THIS PLAT)
LOT C-R	0.3931 ACRE	(NO CHANGE TO THIS PARCEL WITH THIS PLAT)
OPEN SPACE NORTH	0.5155 ACRE	(NO CHANGE TO THIS PARCEL WITH THIS PLAT)
LOT C-R1	5.8856 ACRES	
ROADWAY, HERITAGE CENTER DRIVE, 60'	1.4085 ACRES	
EXISTING AREA N. RIGHT OF WAY -	10.5828 ACRES	
AREA REMAINING POST VACATION -	0.5953 ACRES	
CUL-DE-SAC DEDICATION AREA	0.2813 ACRES	
TOTAL RE-DEDICATION AREA		
HERITAGE CENTER DC. RIGHT OF WAY -	0.8766 ACRES	
TOTAL	21.2701 ACRES	

SURVEY REFERENCES

- Replat of Heritage Centre Allotment - Cabinet "J", Slides 614-611, Cabinet "J", Slides 610 Doc. No. 54474532 - Dated: March 21, 2003.
- Heritage Woods Phase 1 - Improvement Plans - Dated: May, 1985.
- Right of Way Plans - State of Ohio Dept. of Transportation-SUM-77/18-23/21/155 Dated: August, 1987.
- Plat of Survey for Louis Sile - Prepared by Spagnuolo & Associates - Dated June, 1987.
- Plat of Survey for Louis Sile - Prepared by Nicholas A. Spagnuolo - Dated November, 1986.
- Heritage Centre Allotment Replat - Document No. 56351923 - Dated September 12, 2017.
- Heritage Centre Allotment Replat - Document No. 56351924 - Dated September 11, 2017.
- Heritage Centre Allotment Replat - Lots C-R & D - ALTA/NSPS Land Title Survey Prepared by Neff & Associates - Dated July, 2018.

APPROVED BY ORDINANCE NO. _____ OF THE COUNCIL OF SUMMIT COUNTY, THIS ____ DAY OF ____ 20__

COUNCIL PRESIDENT _____ PRINTED NAME _____

CLERK OF COUNCIL _____ PRINTED NAME _____

APPROVED BY COUNTY OF SUMMIT - COUNTY ENGINEER, THIS ____ DAY OF ____ 20__

SUMMIT COUNTY ENGINEER _____ PRINTED NAME _____

APPROVED BY THE COUNTY OF SUMMIT - COUNTY EXECUTIVE, THIS ____ DAY OF ____ 20__

SUMMIT COUNTY EXECUTIVE _____ PRINTED NAME _____

APPROVED BY THE COUNTY OF SUMMIT - COUNTY PLANNING COMMISSION, THIS ____ DAY OF ____ 20__

CHARPERSON _____ PRINTED NAME _____

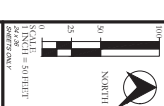
APPROVED BY THE TOWNSHIP OF COPLEY, THIS ____ DAY OF ____ 20__

DIRECTOR OF COMMUNITY & ECONOMIC DEVELOPMENT _____ PRINTED NAME _____

Fiscal Officer's Stamp

Recording Department's Stamp

REVISION	DATE	DESCRIPTION
1	8/27/19	Pending Commission Sanction
2		
3		
4		
5		



APPROVALS

1. Existing 20' interior Utility easements between lot B-C-R & lot C-R, and also lot C-R & lot D one to be extinguished via this Re-Plan.
2. Existing 25' Storm easement between lot C-R & Lot D to be extinguished via this Re-Plan.
3. For setback requirements, see the current City of Zoning Code for Planned Development District of record of time of Re-Plan recording.
4. The construction of any building, fence, etc., that would interfere with any maintenance with a stormwater management/development assessment is prohibited.
5. **DEED MATTERS:** All E.E. JOHNSONS AND ALL RESERVING TITLE TO THE E.E. JOHNSONS TRACT SHALL BE RECORDED WITH THE DEEDS ASSESSED ON TO BE ASSESSED TO THE COUNTY PAYABLE TO O.R.C. 6137 AND TOLDOING.



NEH
& ASSOC

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Planning Commission
Zoning Text Amendment
Public Notification
Northfield Center Township

Item No.: 2
Meeting: September 26, 2019
Applicant: Northfield Center Township Zoning Commission
Proposal: **Public Notification**
Processor: Stephen Knittel

Proposal: The applicant has proposed that the Northfield Center Township Zoning Resolution Section 130 “Definitions” and 450.02 “Regulations for Wireless Telecommunications Facilities” be amended to add text regulating public notification of adjacent property owners of an appeal of the board of zoning appeals.

Proposed Text Amendments: Text that is ~~struck through~~ is text proposed for deletion, new proposed text is red and underlined.

Add the following NEW definition (in red) to Chapter 130 “Definitions” of the Northfield Center Township Zoning Resolution:

FIRE DEPARTMENT: An organization in charge of preventing or putting out fires, especially one working or currently contracted for a local government.

The Zoning Commission would also like to add NEW text (in red) to Chapter 450, “Regulations for Wireless Telecommunications Facilities”, Section 450.02, Letter G of the Northfield Center Township Zoning Resolution:

Sec. 450.02 DEFINITIONS.

- A. Co-location: The use of a wireless telecommunications facility by more than one wireless telecommunications provider or by one provider for more than one type of telecommunication technology.
- B. Lattice tower. A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which often tapers from the foundation to the top.
- C. Monopole: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

D. Telecommunications: The technology which enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.

E. Wireless telecommunications antenna: The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

F. Wireless telecommunications facility: A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

G. Wireless telecommunications tower: A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures. Structures supporting antennas used by licensed amateur radio operators are excluded from this definition.

Summary of the changes proposed:

- To add a definition for Fire Department.
- To add clarification to Wireless telecommunications tower about exemption for licensed amateur radio operators.

Staff Comments:

Staff sees no issue with the proposed text amendments.

Recommendation: Staff recommends to the Summit County Planning Commission that the proposed text amendments be **APPROVED**.